

REMARKS

Claims 1-32 are pending in the application. The Office has rejected claims 1-32 under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. The Office further rejected claims 1, 12, 25, and 29 –32 under 35 USC § 102(a) as being anticipated by Applicant's admitted prior art (hereinafter "APA"). Claims 2-9 and 26-28 have been rejected under 35 USC § 103(a) as unpatentable over APA in view of Guck (U.S. Pat. No. 5,864,870). Lastly, claims 10 and 15-24 have been rejected under 35 USC § 103(a) as unpatentable over APA in view of Abdel-Mottaleb et al. (U.S. Pat. No. 6,285,995). This Office action has been made final and is responsive to Applicant's communication filed on or about December 12, 2005. Applicant is filing an RCE with this reply.

Claim Amendments as a Result of the 101 Rejection

Applicant requests that the amendments to the claims be entered into this application. Applicant believes that all claims encompass statutory subject matter and further comprise at least one practical application with at least one useful result (e.g., "similarity metric" or "reporting one or more of the closest matching exemplar cases.") that would be recognized by a person of ordinary skill in the art. No new matter is being added and the specification supports the amendments, for example page 5, paragraph [0015] describes a computer-implemented database with a case based reasoning system.

102 Rejection Over of APA (Ind. Claims 1, 25, 30, 31, 32)

Applicant's admitted prior art does not show or suggest "a comparison object within the database for comparing the target case with the plurality of exemplar cases," as required by Applicant's claims. Figure 1 and paragraph [0001] of Applicant's specification illustrates a prior art case based reasoning system. No database is shown or suggested by this prior art. Figure 2 and paragraph [0002] of specification illustrates a database and comparison software which is *external* to the database. Applicant's claims clearly require the comparison object to be *within* the database instead of external to the

database as shown in the prior art. Therefore, the prior art does not show or suggest all the elements of Applicant's claimed invention and this rejection is improper.

103 Rejections in View of Guck and Abdel-Mottabel

Neither Guck or Abdel-Mottabel teaches a case based reasoning system nor do they contain the element missing from APA. These claims are therefore allowable over these references.

Dependent Claims

The dependent claims are allowable for at least the same reasons as their corresponding independent claims.

CONCLUSION

The references cited by the Office, whether taken separately or together, do not show or suggest all of the elements of Applicant's claims. Therefore, all claims are allowable over the art of record. Applicant asks the Office to reconsider this application and allow all claims. Please charge any fees that might be due, excluding the issue fee, to deposit account 14-0225.

Respectfully Submitted,

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